

ORDINANCE NO. 20050804-046

AN ORDINANCE GRANTING VARIANCES FOR PROPERTY LOCATED AT 901 RED RIVER STREET FROM CERTAIN FLOODPLAIN REGULATIONS PRESCRIBED BY THE CITY CODE FOR CONSTRUCTION OF A MULTI-FAMILY STRUCTURE WITH PARKING GARAGE IN THE 25 AND 100-YEAR FLOODPLAINS, AND PROVIDING AN EXPIRATION DATE FOR THE VARIANCES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. This ordinance applies to the construction of a multi-family structure with parking garage located at 901 Red River Street within the 25 and 100-year floodplains for Greystar Management Services, subject to Site Plan No. SP-05-1224C.

PART 2. Council has considered the factors for granting a variance from floodplain regulations prescribed by Section 25-12-3 (*Local Amendments to the Building Code*), Appendix Chapter 58, Article 8, Subsection D (*Variance Procedures*) of the City Code. Council finds that the variance granted by this ordinance is the minimum necessary to afford relief, is based on good and sufficient cause, and failure to grant the variance would result in exceptional hardship. Council further finds that the variance granted in this ordinance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

PART 3. A variance is granted from:

- (A) the restriction on construction in the 25 and 100-year floodplains prescribed by Section 25-7-92 (*Encroachment On Floodplain Prohibited*) of the City Code; and
- (B) Section 25-7-152 (*Dedication of Easements and Rights-of-Way*) to exclude the house and addition or extension from the requirement to dedicate an easement to the limits of the 100-year floodplain.

PART 4. The variances granted in this ordinance are effective only upon the satisfaction of the following condition:

The applicant shall submit a completed floodproofing certificate, certifying that the parking garage is floodproofed to an elevation of two feet above the 100-year floodplain and signed by a Texas registered professional engineer before construction may begin.

PART 5. If the project for which this variance is granted does not receive all necessary building permits on or before August 4, 2006, this variance expires.

PART 6. Approval of this variance does not constitute approval of zoning, subdivision, a site plan, a building permit, or any other development permit, and it does not constitute a commitment to any particular land use, intensity of land use, or utility services.

Approval of this variance does not constitute a guarantee of flood insurance availability, rates, or requirements.

PART 7. This ordinance takes effect on August 15, 2005.

PASSED AND APPROVED

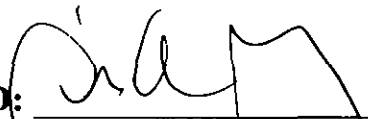
_____, August 4, 2005

§
§
§




Will Wynn
Mayor

APPROVED:



David Allan Smith
City Attorney

ATTEST:



Shirley A. Brown
City Clerk